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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,231	07/25/2003	John Erickson	1027.P006USC1	2442

29053 7590 02/10/2006

DALLAS OFFICE OF FULBRIGHT & JAWORSKI L.L.P.
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EXAMINER

FAULCON JR, LENWOOD

ART UNIT	PAPER NUMBER
3762	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/627,231	ERICKSON, JOHN	
	Examiner	Art Unit	
	Lenwood Faulcon, Jr.	3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 and 35-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 35-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 5-6, 8, 9, 11, 13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. Claims 1-27 and 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canfield (U.S. Patent No. 5,486,201) as applied in the previous Office Action of July 14, 2005, in view of Blunsden (U.S. Patent No. 6,104,954), and further in view of Mouchawar (U.S. Patent No. 5,601,608).

Mouchawar teaches of methods and an apparatus for applying charge-balanced antiarrhythmia shocks, comprising the use of a reverse pulse that discharges the system's blocking capacitor, in which the pulse width of the reverse pulse is longer than the pulse width of a first stimulation pulse and the reverse pulse has an amplitude lower than that of the first stimulation pulse (Figure 9).

Blunsden teaches of an implantable cardioversion defibrillator, comprising dual pulse generators (claim 2). Blunsden further teaches that a second pulse generator can produce test pulses that are capable of discharging (col. 2 lines 24-26).

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Canfield, Blunsden and Mouchawar. Canfield, Blunsden and Mouchawar all teach of cardiac pacing devices and thus teach of analogous arts. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the system as taught by Canfield to include a reverse

pulse for discharging the coupling capacitor, to provide an efficient and effective active discharging, as taught by Mouchawar. It would have also been obvious to one having ordinary skill in the art at the time of the invention to modify the system as taught by Canfield to include a second pulse generator to provide an efficient and effective active discharging of the coupling capacitor, as taught by Blunsden. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Canfield, Blunsden and Mouchawar to have the limitations of claims 1-27 and 35-39.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bowers (U.S. Patent No. 3,563,247), Bowers (U.S. Patent No. 3,835,865), Lewyn et al. (U.S. Patent No. 4,114,627), Stein (U.S. Patent No. 4,406,286), (U.S. Patent No. 4,991,583), (U.S. Patent No. 5,609,611), (U.S. Patent No. 6,473,649).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela D. Sykes, can be reached on 571-272-4955. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



Lenwood Faulcon, Jr.



George Manuel

Primary Examiner